

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 13-CR-94

DONTE D. DAVIS,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO REDUCE SENTENCE PURSUANT
TO AMENDMENT 782 (DOC. 40)

On June 29, 2016, Donte Davis filed a motion for modification or reduction of his 60-month sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 of the United States Sentencing Guidelines. The Federal Defender Services of Wisconsin has indicated that it will not be filing anything on Davis's behalf, and the government has opposed the motion on the ground that Amendment 782 is irrelevant.

Davis plead guilty to a one-count indictment charging him with distributing 500 grams or more of cocaine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). Consequently, Davis's sentence is controlled by a statutory mandatory minimum sentence of 60 months. Even today, the applicable sentencing range is dictated by the mandatory minimum of 60 months imprisonment. See U.S.S.G. § 5G1.1. The reduction in the term of Davis's imprisonment is not authorized because the sentencing guideline amendment does not have the effect of lowering his advisory guideline range as the result of another statutory provision, a mandatory minimum term of imprisonment. U.S.S.G. 1B1.10 cmt. 1(a).

IT IS ORDERED that Donte Davis's motion to reduce sentence pursuant to Amendment 782 is denied.

Dated at Milwaukee, Wisconsin, this 8th day of July, 2016.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. Clevert, Jr.
U.S. District Judge